

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:12CR271
)
 Plaintiff,)
)
 v.) **MEMORANDUM
 AND ORDER**
 PAUL ROSBERG and KELLY)
 ROSBERG,)
)
 Defendants.)

This matter is before the court on Magistrate Judge Gossett's findings and recommendation. (Filing [16](#).) The defendants did not file a statement of objections. The magistrate recommends that defendants' motion to dismiss indictment "be dismissed and any issues raised in the motion be deemed abandoned for violation of Local Rule of the United States District Court for the District of Nebraska 12.3(b)(1)." ¹ ([*Id.*](#) at CM/ECF p. 2.)

I have conducted a de novo review of the record. I find that inasmuch as the magistrate judge has fully, carefully, and correctly found the facts and applied the law, the magistrate judge's findings and recommendation should be adopted and the defendants' motion to dismiss indictment should be denied.

¹I note that defendant Paul Rosenberg filed another motion to dismiss and motion for evidentiary hearing on October 1, 2012. (Filing [24](#).) In this motion, defendant Paul Rosenberg seeks to address the deficiencies that led the magistrate judge to recommend denial of defendants' motion to dismiss indictment. ([*Id.*](#) at CM/ECF p. 1.) I will await the magistrate judge's findings and recommendation with regard to this motion.

Accordingly,

IT IS ORDERED that:

1. The magistrate judge's findings and recommendation (filing [16](#)) is adopted.
2. The defendants' motion to dismiss indictment (filing [5](#)) is denied in all respects.

DATED this 10th day of October, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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